IN THE HIGH COURT OF UTTARAKHAND
AT NAINITAL

Writ Petition No. 570 (SS) of 2007

Committee of Management
Doon Vally Officers' Cooperative
Housing Society Ltd.,
Vasant Vihar, Dehradun,
through its Secretary,
Dr. A. Jakhmola. **……..Petitioner.**

Versus

1. The Registrar Cooperative Societies, Uttarakhand, Camp Dehradun.

2. Sri Basant Ballabh Joshi (Ex. Supervisor), 85 / II, Vasant Vihar, Dehradun.

……..Respondents

Hon'ble M.M. Ghildiyal, J

Heard Sri Rajendra Dobhal, learned counsel for the petitioner, Sri H. M. Raturi, learned Standing Counsel for State of Uttarakhand on behalf of respondent no. 1 and Sri R.K. Raizada, learned counsel for respondent no. 2.

Learned counsel for both the parties agree to decide the writ petition at its admission stage itself.

By means of this writ petition, the petitioner has prayed for the following reliefs:

I. Issue a writ order or direction in the nature of Certiorari quashing the order 377 – 80/Ni Sa Sa / 2007 dated 24.04.2007 passed by Registrar, Cooperative Societies, Uttarakhand, the respondent no. 1.

II. *Issue any other writ or writs, pass any other order or orders and give directions which be deemed fit and proper under the facts and circumstances particular to the present case.*

III. *Award the costs of writ to the petitioner.*

Vide order dated 24.04.2007, respondent no. 1 has passed order for re-instatement of respondent no. 2 in service of Doon Valley Officers' Cooperative Housing Society Limited. The impugned order was passed by respondent no. 1 under section 99 C in the revision filed by the respondent no. 2 against the order dated 28.02.2006 passed by Deputy Register, Cooperative Societies, Uttarakhand.

The submission of the learned counsel for the petitioner is that there is no provision for revision before Registrar against the order passed by Deputy Registrar and in fact, order dated 28.02.2006 was passed by the Deputy Registrar on the basis of delegated powers of Registrar under section 126 of Uttarakhand Cooperative Societies Act 2003.

Learned counsel for the respondent no. 2 has submitted that petitioner has remedy to file revision under section 99 C (i) before Secretary, Uttarakhand Cooperative Societies. Impugned order was passed on 24.04.2007 and petitioner has sufficient time to file revision before the appropriate authority i.e. State Government.

In view of the above, petitioner may prefer revision before Secretary, Cooperative Societies Uttarakhand and Secretary, Cooperative Societies Uttarakhand is directed to decide the revision, if any preferred within a period of two months from today. Petitioner may also file application for

interim stay is disposed of by the Authority concerned, the operation of impugned order dated 24.04.2007 shall be kept in abeyance.

With this direction, the writ petition as well as stay application is finally disposed of. No order as to costs.

(M.M. Ghildiyal, J)

May 23, 2007
SKSHARMA